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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
BY DEPUTY

**IN THE UNITED STATES DISTRICT COURT**  
**IN AND FOR THE WESTERN DISTRICT OF WASHINGTON**

Eric S. Freeze,

Plaintiff,

vs.

ELIZABETH E. GALLAGHER, JOSE T.  
ACUNA, ANN G. FREEZE REVOCABLE  
TRUST, and the RONALD L. FREEZE  
REVOCABLE TRUST, JAMES MASSINGALE  
AND ANGELA MASSINGALE,  
Defendants

Case No. 2 : 23-CV-01135-RSM

Response to U.S. District Federal  
Court Order to Show Cause Regarding  
Failure to Hold FCRP 26(f) Meeting

**RESPONSE TO FEDERAL COURT ORDER TO SHOW CAUSE REGARDING  
FAILURE TO HOLD FCRP 26(F) MEETING**

I, Eric S. Freeze, Plaintiff, Pro per, am writing in response to the Show Cause Order issued by this honorable court regarding the failure to hold the Federal Rules of Civil Procedure (FCRP) 26(f) meeting in the above-referenced case.

As the Plaintiff in this matter, I wish to provide the court with a clear understanding of the circumstances leading to the failure to convene the FCRP 26(f) meeting as mandated. In Document 52 filed with the court, it was highlighted that none of the defendants attended or responded to the initially scheduled meeting date.

It is imperative to note that despite the absence of the defendants, efforts were made to facilitate the FCRP 26(f) meeting within the court's prescribed timeline. Plaintiff set up a FCRP 26f meeting for January 30<sup>th</sup>, 2024 10AM or 2PM. Defendants failed to appear or call. Prior to February 5th, counsel Paul W. Taylor, representing Defendants Elizabeth Gallagher and the

RESPONSE to COURT  
ORDER TO SHOW CAUSE

Freeze Trust and James and Angela Massengale, contacted the plaintiff to arrange the meeting on February 5<sup>th</sup>, which was the final date permitted by the court.

In good faith and with the intention of complying with the court's directives, the Plaintiff agreed to the proposed meeting time. However, despite the plaintiff's readiness and willingness to engage, the third defendant failed to participate or respond in any manner and Counsel Taylor asked for a delay. Plaintiff searched the Court's Docket and found the Defendant's Counsel had not filed for Unavailable Dates, so Plaintiff reported that none of the Defendants appeared for the court-ordered FCRP 26(f) meeting.

Promptly following the failed attempt at convening the meeting, the plaintiff notified the court on February 6<sup>th</sup>, the day after the court's final allowable date for the FCRP 26(f) meeting. The plaintiff emphasized the inability to submit a joint answer due to the opposing party's noncompliance with the court's order, as the Defendants had not supplied their required answers nor attended the court-ordered meeting.

*Defendant's counsel has yet to answer  
show cause why he didn't show for FCRP 26(f) meeting*

In light of these circumstances, the Plaintiff respectfully requests that the court consider the efforts made to comply with the FCRP 26(f) meeting requirement within the designated timeframe. The plaintiff acted diligently and in good faith, and the failure to hold the meeting was solely due to the nonparticipation of all Defendants.

Thank you for your attention to this matter. Should the court require any further information or clarification, please do not hesitate to contact me.

Respectfully submitted,

  
Eric S. Freeze

*3/20/2024*  
Date